

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

RICHARD LIMA,

Plaintiff,

v.

CAUSE NO. 3:22-CV-692-DRL-MGG

WARDEN,

Defendant.

OPINION AND ORDER

Richard Lima, a prisoner without a lawyer, is proceeding in this case on one claim: “against the Warden of the Westville Correctional Facility in an official capacity to obtain permanent injunctive relief to provide him with constitutionally adequate treatment for his suicidal thoughts as required by the Eighth Amendment.” ECF 2 at 4. After Mr. Lima was transferred to the New Castle Correctional Facility, the Warden filed a motion to dismiss asserting the case was now moot. ECF 30. When “a prisoner is transferred to another prison, his request for injunctive relief against officials of the first prison is moot unless he can demonstrate that he is likely to be retransferred.” *Higgason v. Farley*, 83 F.3d 807, 811 (7th Cir. 1996).

The deadline for Mr. Lima to respond to the motion to dismiss was December 20, 2022. ECF 32. When he did not respond, he was ordered to show cause why this case was not moot and cautioned if he did not respond by February 1, 2023, this case would be dismissed as moot because there is no showing in the current record that he is likely to be retransferred. ECF 33. That deadline has also passed, and he has still not responded.

For these reasons, the motion to dismiss (ECF 30) is GRANTED and this case is DISMISSED AS MOOT.

SO ORDERED.

February 23, 2023

s/Damon R. Leichty
Judge, United States District Court